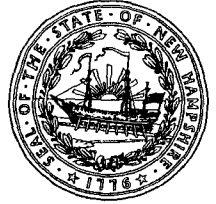




State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-2147 FAX (603) 271-6588



LETTER OF DEFICIENCY
WET 06-006

January 6, 2006

John & Rosemary Caldwell
50 Colby Rd
PO Box 250
Danville, NH 03819-0003

RE: DES Wetlands File No. 2005-01467 Cub Pond Rd, Danville

Dear Mr. & Mrs. Caldwell:

On November 4, 2005, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Danville Tax Map 3 as Lot 82 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-800. As a result of this inspection, DES personnel observed that the Property had fill placed in the wetland

During the inspection the following deficiencies were documented:

1. An area of wetland measuring approximately 160 feet by 10 to 30 feet had been filled. Silt fence contained the fill at the toe-of-slope to prevent further sedimentation. The depth of the fill was not measured at the time of the inspection.

In response, you are requested to take the following actions:

1. Within 60 days of receipt of this Letter of Deficiency, submit a restoration plan to DES for review and approval. Have the restoration plan prepared by a certified wetland scientist, and include provisions for removal of the unpermitted fill and restoration of the wetland on the Property. Submit the following with the restoration plan:
 - a. A plan with dimensions, drawn to scale, showing:
 1. Existing conditions, with wetland boundaries; and
 2. Proposed conditions after reestablishing the jurisdictional areas;
 - b. A detailed description of the proposed means of erosion control (silt fence, hay bales, etc) and stabilization of the restoration area;
 - c. A detailed proposed replanting plan for the stabilization and revegetation of the restoration area (including proposed species, size, number and planting location), and methods for control of invasive species such as purple loosestrife (*Lythrum salicaria*) and common reed (*Phragmites australis*);
 - d. A description of the proposed construction sequence and methods for accomplishing restoration and anticipated restoration compliance date.
 - e. A description of the method of documenting at least 75% survival of all vegetation planted during the restoration project. This should include at a minimum monitoring progress reports for two successive growing seasons following completion of the restoration project and provisions for recommending remedial measures should progress reports determine that the restoration is unsuccessful.
2. Retain a qualified wetland scientist to supervise the implementation of the restoration plan and to submit the restoration progress reports.
3. Implement the restoration plan only after receiving written approval and as conditioned by DES.

January 6, 2006
Caldwell, DES Wetlands File No. 2005-01467 Cub Pond Rd, Danville
Page 2 of 2

LETTER OF DEFICIENCY
WET 06-006

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Eben M. Lewis
Compliance Investigator
Wetlands Bureau
Department of Environmental Services
50 International Drive, Suite 200
Portsmouth, NH 03801

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at 603.559.1515 or email me at elewis@des.state.nh.us.

Sincerely,

 **COPY**

Frank D. Richardson, Ph.D.
Senior Wetlands Inspector
Southeast Region Supervisor
NHDES Wetlands Bureau

CERTIFIED MAIL 7002 2410 0001 6279 1284

cc: Rene Pelletier, Assistant Director, Land Resources Management Program
DES Legal Unit
Danville Conservation Commission
Danville Board of Selectmen
USACOE